

**PROPOSED RULE MAKING**

**CR-102 (June 2004)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

**Agency:** Washington State Department of Commerce

- ☒ **Preproposal Statement of Inquiry was filed as WSR** 07-19-125 ; or  
☐ **Expedited Rule Making--Proposed notice was filed as WSR**  
\_\_\_\_\_; or  
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**  
☐ **Supplemental Notice to WSR**  
\_\_\_\_\_  
☐ **Continuance of WSR** \_\_\_\_\_

**Title of rule and other identifying information:** (Describe Subject) The department is amending chapter 365-190 WAC, Minimum Guidelines to Classify Agricultural, Forest and Mineral Lands and Critical Areas. The department is also amending and repealing specific sections of chapter 365-195 WAC, Procedural Criteria for Adopting Comprehensive Plans and Development Regulations. The department is proposing a new chapter 365-196 WAC to replace the sections amended and repealed under chapter 365-195 WAC.

**Hearing location(s):**

See Attachment A.

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Date of intended adoption:** November 1, 2009  
(Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Dave Andersen, AICP  
Address: Growth Management Services  
Washington State Department of Commerce  
PO Box 42525  
Olympia, WA 98504-2525

e-mail wacupdate@commerce.wa.gov  
fax ( ) \_\_\_\_\_ na \_\_\_\_\_ by (date) October 2, 2009

**Assistance for persons with disabilities:** Contact  
Dave Andersen by September 15, 2009  
TTY (360) 586-0772 or ( 360 ) 725-3052

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The proposed rules address several statutory amendments to chapter 36.70A RCW, and they revise recommendations regarding county and city implementation of chapter 36.70A RCW. The proposed rule amends chapter 365-190 WAC. The proposed rule replaces WAC 365-195-010 through 365-195-865 with a new chapter 365-196 WAC for improved organization and clarity. Finally, the heading for chapter 365-195 WAC is renamed to better describe the existing sections that remain within that chapter.

**Reasons supporting proposal:** The original WAC guidelines were designed to assist with adoption of a local government's first full Growth Management Act (GMA) plan. Local governments have now completed this task and guidelines more appropriate and relevant to current state GMA planning are needed. Amendments to the GMA have been adopted in almost every legislative session since 1992 and, with some exceptions, have not been incorporated into the WAC. The courts and Washington State Growth Management Hearings Boards have also interpreted and clarified significant portions of the GMA. These proposed amendments bring the WAC up to date with current law and the state of the practice.

**Statutory authority for adoption:** RCW 36.70A.050 and  
36.70A.190

**Statute being implemented:** RCW 36.70A, RCW 36.70B

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**DATE** 7/16/09

**NAME** Marie Sullivan

**SIGNATURE**

**TITLE** Government Relations Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** July 21, 2009  
**TIME:** 3:47 PM

**WSR** 09-15-173

**(COMPLETE REVERSE SIDE)**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

No comments or recommendations.

**Name of proponent:** (person or organization)

Washington State Department of Commerce

- ☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... David Andersen	906 Columbia St SW, Olympia, WA, 98504	(360) 725-3052
Implementation.... Leonard Bauer	906 Columbia St SW, Olympia, WA 98504	(360) 725-3055
Enforcement..... The rules contain no enforcement authority.	na	( ) na

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

Chapter 365-190 WAC and chapter 365-195 WAC provide guidance to counties and cities regarding implementation of the GMA. Counties and cities consider these rules, but they are not binding on counties and cities. In choosing how to implement the GMA, using the guidance in the rules, counties and cities may or may not choose to revise their comprehensive plans, development regulations, and other local land use ordinances. The rules are not substantive and if the local government does not follow the rules, they are not subject to any penalty or sanction nor do the rules establish standards for the issuance of a license.

Although the choices made by local governments may result in some impacts to many types and sizes of businesses, these rules do not directly regulate any businesses. Instead, they provide guidance to local governments in developing their plans and regulations. Thus, it can be determined that the rules do not impose more than minor costs on businesses in an industry, and a small business economic impact statement is not required.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes    A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone (    ) \_\_\_\_\_

fax     (    ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No:    Please explain: The Department of Commerce is not listed as one of the agencies to which this section applies, and does not wish to make this section voluntarily applicable to the rule per subsection (5)(a)(ii). Therefore, unless subsection (5)(a)(ii) is invoked by the joint administrative rules review committee after the filing of the CR-102, no cost benefit analysis needs to be prepared for this rule.